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July 27, 2022

Honorable Robert W. Lehrburger (*by ECF*)
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Bizzell, et al. v. City of New York, et al., 22 Civ. 05745 (JPC) (RWL)

Dear Magistrate Judge Lehrburger:

I represent plaintiffs Kamiyah Bizzell, Gibran Johnson and Calvin Peterson in the above action brought under 42 U.S.C. § 1983 against the City of New York (“City”) and certain police officers employed by the Police Department of the City of New York (“NYPD”). I write to request that the Court adjourn the Initial Pretrial Conference presently scheduled for August 24, 2022 until after the mediation or settlement conference contemplated by Local Civil Rule 83.10. Michael Viviano, an attorney in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, counsel for the City, joins in this request.

Local Civil Rule 83.10 provides that unless otherwise ordered, in civil cases against the City of New York alleging the use of excessive force, false arrest, or malicious prosecution by NYPD employees, the procedures set forth in Local Civil Rule 83.10 shall apply. Under Local Civil Rule 83.10, the plaintiff must serve certain releases on the City with the complaint, the City has 80 days from the date of such service in which to file an answer, the parties are to exchange initial disclosures and complete limited discovery within 21 days and 28 days, respectively, after the first defendant files an answer, plaintiff is to serve a written settlement demand on the City within six weeks after the first defendant files an answer and the City must respond in writing to plaintiff’s demand within 14 days thereafter, and a mediation session or settlement conference must occur no later than 14 weeks after the first defendant files its answer. If the mediation session or settlement conference is unsuccessful, the parties must promptly request an initial pretrial conference.

Mr. Viviano and I believe that the Local Civil Rule 83.10 procedures may facilitate an early resolution of this case. For that reason, we request that the Court adjourn the Initial Pretrial Conference until after completion of the mediation or settlement conference contemplated by Local Civil Rule 83.10. This is the first request for adjournment of the Initial Pretrial Conference.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Robert T. Perry

cc.: Michael Viviano (*by ECF*)
Counsel for defendant, The City of New York

Request granted.

SO ORDERED:

7/27/2022

A handwritten signature in black ink, appearing to be 'R. Lehrburger', written over a horizontal line.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE